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William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

Office of the Director
Group 3800

Paper No. 9

In re Application of
Taku Yokoyama
Application No. 09/914,280
Filed: February 1, 2002
For: INFORMATION TRANSMISSION SYSTEM,
INFORMATION TRANSMISSION METHOD,
ROBOT....

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DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is a decision on applicant's petition to withdraw the holding of abandonment filed January 23, 2004 in the United States Patent and Trademark Office.

The petition is DISMISSED.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated March 26, 2003 and a Notice to that effect was mailed on January 8, 2004.

Petitioner states that a response was filed on April 28, 2003 by facsimile transmission. The shortened statutory period for response was set to expire April 28, 2003. The copy of the response submitted with the petition includes a Certificate of Transmission dated April 28, 2003 and a post card receipt dated May 6, 2003. The post card receipt therefore cannot be used as evidence of timely filing.

Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

Therefore a statement under 37 C.F.R. 1.8(b)(3), as noted above, is needed from William S. Frommer attesting to the personal knowledge of sending the *original* response by facsimile transmission on the date indicated on the certificate for the petition to be granted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/cps: 2/4/04